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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,415	09/30/2003	Ganesh Basawapatna	078700-080402/US	6186
33717 7590 06/06/2008 GREENBERG TRAURIG LLP (L.A.) 2450 COLORADO AVENUE, SUITE 400E INTELLECTUAL PROPERTY DEPARTMENT SANTA MONICA, CA 90404				
EXAMINER				
SALCT, JASON P				
ART UNIT		PAPER NUMBER		
2623				
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06/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/675,415

**Applicant(s)**

BASAWAPATNA ET AL.

**Examiner**

Jason P. Salce

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-124 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 2/29/2008 have been fully considered but they are not persuasive.

The examiner notes that the amended claims still read on the prior art of record (see the updated rejection below).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43-45, 50, 52-54, 56-59, 61-65, 70, 72-74, 76-79, 81-83, 84-86, 91, 93-95, 97-100, 102-103, 104-106, 111, 113-115, 117-120 and 122-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (U.S. Patent No. 6,286,142) in view of Oishi et al. (U.S. Patent Application Publication 2002/0056140).

Referring to claim 43, Ehreth discloses receiving, at a local service module (**see communication controller 30 in Figure 1**), a channel signal that includes at least one digital video channel (**see Column 3, Lines 29-31 for the communications controller 30 receiving digital video signals**).

Ehreth also discloses receiving, via a two-way communications path from at least one of a plurality of room interface units associated with the service module (**see**

**communications path 90, which interfaces communications controller 30 to room interface 50 in Figure 1), a request to transmit the at least one digital video channel or at least one analog video channel (see Column 4, Lines 44-49).**

Ehreth also discloses in response to the request, converting the at least one digital video channel or the at least one analog video channel from its frequency within the channel signal to a predetermined frequency that corresponds to the at least one of the plurality of room interface units **(see Column 4, Line 63 through Column 5, Line 5), wherein the predetermined frequency is selectable via a programmable converter in the local service module (see Column 3, Lines 40-50 for the communications unit selecting a frequency to transmit downstream information in the downstream).**

Although Ehreth teaches distributing a combination of digital and analog video signals from communication controller 30 to channel selection and signaling unit 50 **(see Column 3, Lines 46-50)** and that MPEG encapsulated digital video signals can be received **(see again Column 3, Lines 29-31)**, Ehreth fails to teach that the communication controller 30 receives a multiplexed channel signal that includes a digital video signal and analog video signal.

Oishi discloses transmitting a multiplexed channel signal transmitted to a building or home, which includes various types of video signals from analog and digital sources **(see Paragraph 0032-0034).**

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the incoming video signals transmitted from broadband/narrowband network 20 over communication network 20, as taught by

Ehreth, using the transmodulated analog and video signals, as taught by Oishi, for the purpose of providing signals from multiple satellites together with signals from a broadcasting and terrestrial service over a single cable together (**see Paragraph 0019 of Oishi**).

Referring to claim 44, Ehreth discloses passing the at least one digital video channel through a band pass filter with a narrow frequency band (**see Column 3, Lines 39-46 for passing the selected channel signal through a modulator that places the selected channel signal on a single channel received my signaling unit 50, therefore passing the digital video channel through a band pass filter (*inside the modulator*) that places the digital video signal on a single (narrow) frequency band**).

Referring to claim 45, Ehreth discloses that the narrow frequency band is centered at the output of a programmable converter within the local service module (**see the rejection of claim 2 and further note that the narrow frequency band is the single channel received by the signaling unit 50, therefore the output sent to the signaling unit 50 is centered at the output of a programmable converter (*modulator*) within the local service module/communications controller 30**).

Referring to claim 50, Ehreth discloses receiving, via the two-way communications path from the at least one of the plurality of room interface units, information for selecting a certain channel (**see Column 4, Lines 44-47**).

Referring to claim 52, Ehreth discloses that the information for selecting a certain channel includes information identifying a frequency corresponding to the certain channel within the multiplexed channel signal (**see Column 4, Lines 59-62**).

Referring to claim 53, Ehreth discloses tuning to the frequency corresponding to the certain channel within the multiplexed channel signal (**see Column 4, Lines 44-46 and Column 4, Line 63 through Column 5, Line 5 and Column 5, Lines 30-40 for selecting a channel selected by room interface 50 and modulating/tuning the selected channel to transmit downstream from communications controller/service module 30 to room interface 50**).

Referring to claim 54, Ehreth discloses converting the frequency corresponding to the certain channel within the multiplexed channel signal from a first frequency to a second frequency corresponding to the at least one of the plurality of room interface units (**see Column 5, Lines 15-29**).

Referring to claim 56, see the rejection of claim 1 and Figure 1.

Referring to claim 57-58, Ehreth discloses that the two-way communications path is a coaxial cable (**see Column 3, Lines 51-60**).

Referring to claim 59, Ehreth discloses that the request to transmit the at least one digital video channel takes the form of a signal received at the predetermined frequency (**see Column 5, Lines 2-14**).

Referring to claim 61, Ehreth discloses processing the channel selection information to obtain the at least one digital video channel from the multiplexed channel signal (**see Column 4, Line 63 through Column 5, Line 2**).

Referring to claim 62, Ehreth discloses selecting, at a room interface unit, the predetermined frequency that corresponds to the room interface unit and transmitting, to the local service module, information identifying the predetermined frequency (**see Column 5, Lines 2-5**).

Referring to claim 63, see the rejection of claim 43 and further note Column 4, Line 63 through Column 5, Line 2 of Ehreth for teaching transmitting the digital video channel at the predetermined frequency to the room interface unit via two-way communication path.

Referring to claims 64-65, 70, 72-74, 76-79 and 81-82, see the rejection of claims 44-45, 50, 52-54, 56-59 and 61-62, respectively.

Referring to claim 83, see the rejection of claim 78.

Referring to claims 84-86, 91, 93-95, 97-100 and 102-103, see the rejection of claims 43-45, 50, 52-54, 56-59 and 61-62, respectively.

Referring to claims 104-106, 111, 113-115, 117-120 and 122-123, see the rejection of 43-45, 50, 52-54, 56-59 and 61-62, respectively.

Referring to claim 124, see the rejection of claim 78.

Claims 46-48, 66-68, 87-89 and 107-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (U.S. Patent No. 6,286,142) in view of Oishi et al. (U.S. Patent Application Publication 2002/0056140) in further view of Margulis (U.S. Patent No. 6,253,503).

Referring to claims 46-48, Ehreth and Oishi disclose all of the limitations in claim 43, but fail to teach receiving the digital video channel from a PVR, VOD Server or a Personal Computer.

Margulis discloses a system that receives broadcast signals from various sources (**see Figure 1**), similar to the system of Ehreth and Oishi. Margulis further



teaches that signals also received from a PVR, a VOD Server and a PC, can also be obtained and sent to a device similar to the signaling unit 50 (of Ehreth) and then to a TV 152 (see **Figure 1**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the communications controller 30 that receives various video signals from various sources in a single multiplexed channel, as taught by Ehreth and Oishi, to include the PC, VOD Sever and PVR, as taught by Margulis, for the purpose of benefiting a system user by providing an abundance of program material for selective viewing (see **Column 1, Lines 53-56 of Margulis**).

Referring to claims 66-68, see the rejection of claims 46-48, respectively.

Referring to claims 87-89, see the rejection of claims 46-48, respectively.

Referring to claims 107-109, see the rejection of claims 46-48, respectively.

Claims 49, 51, 69, 71, 90, 92, 110 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (U.S. Patent No. 6,286,142) in view of Oishi et al. (U.S. Patent Application Publication 2002/0056140) in further view of Rakib et al. (U.S. Patent No. 6,899,285).

Referring to claim 49, Ehreth and Oishi disclose all of the limitations 43, but fails to teach that the multiplexed channel further includes a DOCSIS forward channel carried from an Internet service provider to a customer and converting the DOCSIS

forward channel to a different frequency than the frequency of the DOCSIS forward channel within the multiplexed channel signal.

Rakib discloses that a multiplexed channel further includes a DOCSIS forward channel carried from an Internet service provider to a customer (**see Column 24, Lines 14-18**) and converting the DOCSIS forward channel to a different frequency than the frequency of the DOCSIS forward channel within the multiplexed channel signal (**see Column 24, Lines 23-40 and Column 33, Lines 6-22**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the communications controller 30 that receives various video signals from various sources in a single multiplexed channel, as taught by Ehreth and Oishi, to include the receipt of DOCSIS downstream data, as taught by Rakib, for the purpose of further supplying specialized features such as video conferencing and wideband internet services (**see Column 24, Lines 18-22 of Rakib**).

Referring to claim 51, see the rejection of claim 49 and further note that Rakib teaches that the information received from the at least one of the plurality of room interface units further includes a DOCSIS return channel for transmission to an Internet service provider (**see again Column 24, Lines 14-22**).

Referring to claims 69 and 71, see the rejection of claims 49 and 51, respectively.

Referring to claims 90 and 92, see the rejection of claims 49 and 51, respectively.

Referring to claims 110 and 112, see the rejection of claims 49 and 51, respectively.

Claims 55, 60, 75, 80, 96, 101, 116 and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (U.S. Patent No. 6,286,142) in view of Oishi et al. (U.S. Patent Application Publication 2002/0056140).

Referring to claim 55, Ehreth and Oishi disclose all of the limitations in claim 43, but fail to teach that a digital video channel includes MPEG-4 encoded information.

The examiner takes Official Notice to the fact that MPEG-4 encoded information is transmitted in a digital video channel to viewers in a television transmission system.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the signal transmitted from network 40, as taught by Ehreth and Oishi, to include a signal encoded using the MPEG-4 standard, as taught by the examiner Official Notice, for the purpose of providing video data of improved quality while occupying less bandwidth to transmit said video data.

Referring to claims 75, 96 and 116, see the rejection of claim 55.

Referring to claims 60, 80, 101 and 121, Ehreth and Oishi fail to teach assembling and transmitting the digital video signal over a single frequency multiplexed transmission signal.

The examiner takes Official Notice to the fact that when digital signals are transmitted over a network, it is well known to include supplemental content with the digital video signal to display to the viewer by multiplexing the additional data with the digital video signal.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the signal transmitted within the home, as taught by Ehreth and Oishi, to include additional/supplemental data by multiplexing the additional/supplemental data with the digital video signal, as taught by the examiner Official Notice, for the purpose of displaying advertisement or product purchase data to viewer in order to entice the viewer to buy the advertising companies product.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2623

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Primary Examiner  
Art Unit 2623

June 1, 2008